

REMARKS

Applicant respectfully request favorable consideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 53-72 are now pending in this application. Of these claims, 53, 62 and 72 are independent. Applicants have canceled claims 1-52 without prejudice or disclaimer. Applicants reserve the right to file continuation or divisional applications drawn to the canceled claims.

Rejection Under 35 U.S.C. §112, first paragraph

Claims 37-52 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement in that the claims(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner states that research into relating gene sequences to other factors is unpredictable and difficult, even utilizing modern bioinformatics tools. The Examiner further states that the practice of the instant claims is not the typical type of experimentation required in the field of the art and is therefore unpredictable.

Although Applicant does not agree with the Examiner's arguments, claims 37-82 have been cancelled, thus making this objection moot. Applicant respectfully submits that the rejection under 35 U.S.C. §112, first paragraph, should be withdrawn.

Conclusion

Applicant respectfully submits that the claims now stand ready and in condition for allowance. Early consideration of the above amendments and remarks is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2228.

Respectfully submitted,

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